

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

LEON WALTER,)	
)	
Plaintiff,)	
vs.)	NO. CIV-11-0908-HE
)	
JOSEPH TAYLOR,)	
)	
Respondents.)	


ORDER

Plaintiff Leon Walter, a state prisoner appearing *pro se*, filed this § 1983 action and sought leave to proceed *in forma pauperis*. Consistent with 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to Magistrate Judge Bana Roberts, who has recommended that plaintiff's request to proceed *in forma pauperis* be denied and the action be dismissed without prejudice unless plaintiff pays the full filing fee of \$350.00.

Plaintiff failed to object to the magistrate judge's Report and Recommendation and thereby waived his right to appellate review of the issue it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1)(C). Accordingly, the court adopts Magistrate Judge Robert's Report and Recommendation and **DENIES** plaintiff's motion to proceed *in forma pauperis* [Doc. #2]. Plaintiff is **GRANTED twenty (20) days** within which to pay the \$350.00 filing fee. If the fee is not paid, the action will be dismissed without prejudice to refileing.

IT IS SO ORDERED.

Dated this 17th day of October, 2011.



JOE HEATON
UNITED STATES DISTRICT JUDGE